

REMARKS/ARGUMENTS

Claims 1-21 are pending in the present application. Claims 1, 5-7, 9 and 21 have been amended herewith. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 102, Anticipation

Claims 1-7, 9-13, 15-19 and 21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Dowling (U.S. Patent No. 6,522,875). This rejection is respectfully traversed.

For a prior art reference to anticipate in terms of 35 U.S.C. 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Applicants will now show that every element recited in each of these Claims 1-7, 9-13, 15-19 and 21 is not identically shown in a single reference, and therefore these claims are not anticipated by the cited reference.

Generally speaking, Claim 1 is directed to a technique for the dynamic building of a web page based upon a geographic location of a device. While it may be true that the teachings of the cited reference are similarly directed to providing ‘localized’ content, how such localized content is provided is substantially different from how the content is provided per the features of the present claims. In general, per the present claims, *content for a web page is dynamically generated* based on the location information, whereas per the teachings of the cited reference *pre-existing web pages are selected* based on location information. For example, the cited reference does not teach any type of dynamic web page generation based on location information that is received in a request for a web page, but instead teaches the filtering of pre-existing content based upon location. By analogy, and as will become apparent from the detailed discussion below, the teachings of Dowling are akin to a cable TV distribution system, where a multitude of pre-existing channels and associated programming are provided on a communication link such as a coaxial cable or satellite channel (akin to the Dowling local broadcast domain, where a multitude/plurality of items are indiscriminately broadcast over a local/short-range network), and a cable box or tuner is used to selectively pass a given channel from the plurality of broadcast channels to a receiver/TV (akin to the Dowling packet filter and filter mask) for viewing by a user based upon their user selection (akin to the user location). In contrast, and by the same analogy, the present disclosure is akin to a customized program being dynamically created (akin to the claimed ‘dynamically building the web page’) and presented to the user based upon their user selection (akin to the claimed ‘request for the web page’).

In addition, *how* the location information (which is used to select content) is ascertained is also different between what is claimed and what is taught by the teachings of the cited reference, as will also be described in the detailed discussion below.

Specifically with respect to Claim 1, such claim recites steps of (i) receiving a request for the web page from a first client browser, the request including a geographic location data string identifying a first location of the first client browser, (ii) dynamically building the web page using the geographic location data string to select a given one of the set of location-specific page elements having content associated with a physical location in proximity to the first location of the first client browser, and (iii) serving the web page in response to the request. As can be seen, a request for a web page is received from a client browser, and this request for a web page includes a geographic location data string that identifies a location of the client browser. In rejecting both the 'receiving' and 'dynamically building' steps, the Examiner cites Dowling's teaching at col. 4, lines 45-65 as teaching both of these claimed steps (receiving; dynamically building), as well as teaching the claimed geographic location identifier.

Applicants show that there, Dowling states:

"The mobile unit is thereby able to navigate the Internet based on the mobile unit's geographical position in addition to prior art methods employing mouse and keyboard inputs. When a virtual connection is being used, GPS information need only be transmitted at pre-specified intervals or upon the detection of pre-specified events. For example, a filter is preferably employed to cause the network connection to only be activated when the mobile unit enters a locality associated with a web site of interest. For example, a hungry user entering a new city is interested in seeing web pages for local restaurants. Based upon the GPS position indication a list of restaurants in surrounding localities is downloaded into a memory of the mobile unit. When the GPS receiver indicates the mobile unit is in a designated locality, web pages for those restaurants in the local area are downloaded or retrieved from memory and displayed. The present invention provides a means for a user to "surf the web" or otherwise navigate a network application program based on geographically related information such as locally broadcast packets and GPS information. One or more filter parameters are used to screen information of interest to a user."

As can be seen, while local content is provided to a user based on GPS information, filters are used to screen or filter pre-existing web pages. This filtering of pre-existing web-pages based on location is further described at col. 10, lines 10-39, where it states:

“The output of the packet filter is coupled to the network interface module 205. The output of the packet filter includes any broadcast-data packet that passes through the packet filter. The packet filter output is then used to control information flow on the first network connection 112. For example, the vehicle 102 has recently entered a new city at lunchtime and the user input-output module is manipulated by a user to navigate to a web page for restaurants. This may be done using standard techniques by entering a network address such as a URL, by entering keywords into a search engine or by clicking upon a bookmark in a web browser display. When the user connects to the web page for restaurants, a packet filter mask is downloaded from the web page for restaurants and loaded into the packet filter. Next the network connection is placed in an inactive state whereby the restaurant page is displayed with no physical network connection being needed. The restaurant web page is displayed until the vehicle enters the range of the local broadcast domain entity 150 which broadcasts possibly a complete packet stream comprising a plurality of different types of broadcast-data packets. Only the broadcast-data packets relating to restaurants are allowed to pass through the packet filter 225. These data packets are then passed to the network interface module 205 which sends one or more application request packets to the network server 125. The network server 125 then preferably downloads a set of web pages containing the menus and other information related to the restaurants associated with the received broadcast-data packets. This downloading occurs over the network connection antenna 110.” (emphasis added by Applicants)

As can be seen, there is no server-based dynamic custom generation of a particular web page based on user location, but instead a local filtering of broadcast data packets, with the data packets that pass through such filter being used to request traditional, pre-existing web-pages. This local filtering is accomplished by receiving all local content that is available from a local broadcast domain, using a filter to only allow certain of the available content to pass through the filter (based on a filter mask), transmitting requests for the content that passed through the filter (which are traditional web page requests with no location identifiers), and then receiving the requested, pre-existing content. In effect, per the teachings of the cited reference, all localized data packets (such as URLs) are transmitted during an indiscriminate broadcasting of such data packets and received when a vehicle comes within range of a local broadcast domain, and only the data packets/URLs of interest to the user, such as a restaurant(s) URL, are passed through the filter where a traditional request for web content using such URL is

transmitted over another network (network L1 using antenna 110 of Figure 2). Because the cited reference does not teach the dynamic building of a web page based on location – and Claim 1 expressly recites 'dynamically building the web page using the geographic location data string' – it is shown that every element recited in Claim 1 is not identically shown in a single reference, and thus Claim 1 has been erroneously rejected under 35 U.S.C. § 102 (e).

In addition, and as mentioned in the opening summary comments, *how* the location information is ascertained is also different between what is claimed and what is taught by the cited reference. In particular, per Claim 1, a request for a web page is received from a browser, and this actual 'request for the web page' itself contains the location identifier (per Claim 1, "receiving a *request* for the web page *from a first client browser, the request including a geographic location data string* identifying a first location of the first client browser"). The cited Dowling reference does not teach this location identifier claimed feature. Instead, Dowling teaches two techniques that are used to ascertain a user's physical location. In the first instance, a non-GPS technique is used whereby low-power transmitters are used to transmit what local content is available (if subsequently requested), and if the user is able to receive this low-power transmission the user is assumed to be in close proximity to the low-power transmitter (Dowling col. 4, lines 7-18; col. 6, lines 48-65) – hence the location is deduced based upon the user successfully receiving a low-power, localized broadcast transmission. Importantly, and as described by Dowling at col. 4, lines 15-19, in this mode of operation:

"Instead of the user needing to click upon a hyperlink to access a web site, a packet filter is configured to selectively pass packets according to a predefined criterion. When a packet passes through the packet filter, a web site is automatically accessed."

Thus, in this 'local broadcast detection' mode of operation, requests for pre-existing content is automatically filtered, where the pre-existing content associated with the packets that pass through the filter is retrieved and presented to a user without user input. Thus, this non-GPS mode of operation does not teach the claimed feature of "receiving a *request* for the web page *from a first client browser, the request including a geographic location data string* identifying a first location of the first client browser", since the *user does not request anything* in this mode of operation.

Dowling also describes a GPS mode of operation, but this is also described as being different from what is recited in Claim 1. Specifically, in Dowling's GPS mode, GPS location information is *periodically transmitted* to a server, as described by Dowling at col. 4, lines 37-42:

“Periodically, processed GPS information may be transmitted via the mobile network connection to the network server. When this processed GPS information is received, the network server is operative to control the flow of information to the mobile unit based upon the processed GPS information.”

This periodic transmission of GPS information does not teach (or otherwise suggest) the claimed feature of “receiving a *request* for the web page from a first client browser, the *request* including a geographic location data string identifying a first location of the first client browser” for several reasons. First, Dowling teaches that the GPS information is sent periodically and is not described as being a part of any request. The only actions that are described by Dowling based on a user request are at col. 10, lines 15-32, where it states:

“For example, the vehicle 102 has recently entered a new city at lunchtime and the user input-output module is manipulated by a user to navigate to a web page for restaurants. This may be done using standard techniques by entering a network address such as a URL, by entering keywords into a search engine or by clicking upon a bookmark in a web browser display. When the user connects to the web page for restaurants, a packet filter mask is downloaded from the web page for restaurants and loaded into the packet filter. Next the network connection is placed in an inactive state whereby the restaurant page is displayed with no physical network connection being needed. The restaurant web page is displayed until the vehicle enters the range of the local broadcast domain entity 150 which broadcasts possibly a complete packet stream comprising a plurality of different types of broadcast-data packets. Only the broadcast-data packets relating to restaurants are allowed to pass through the packet filter 225.”

As can be seen, the user input used to navigate to a web page is done using traditional techniques, and this user input results in a packet filter mask being downloaded so that it can be used by the packet filter to filter the multitude of broadcast packets that are received for all local content that is available. There is no mention that such user input or request itself includes any type of locator information, and in fact there would be no need to include such locator information since the location information is obtained using the two other techniques previously described hereinabove.

Second, this Dowling GPS location information is not received from a client *browser*, but instead is received from a client GPS device (Dowling col. 4, lines 31-38). Per Claim 1, “receiving a *request* for the web page from a first client browser”. This aspect of Claim 1

advantageously allows for the browser itself to facilitate the providing of the location information, thereby enabling a plurality of different ways for the actual transport of location information with the request (as per several dependent claimed features, as further discussed below).

Thus, there are additional claimed features that are not identically shown in the cited Dowling reference, and in particular how the location information is ascertained at the server is different between what is claimed and what is taught by the cited reference.

Applicants initially traverse the rejection of Claims 2-7 for reasons given above with respect to Claim 1 (of which Claims 2-7 depend upon).

Further with respect to Claim 5 (which has merely been amended as to form, to be in independent form), it is urged that the cited reference does not teach the claimed feature of “wherein the first client browser provides the geographic location data string in a cookie”. In rejecting this aspect of Claim 5, the Examiner states that this geographic location data string provision by a cookie is taught by Dowling at col. 4, lines 45-65 in that Dowling describes use of a packet filter. Applicants respectfully submit that the Dowling packet filter is not used to provide location information that is received from a client browser, but instead is used to filter out received broadcast packets at the client device itself (Dowling col. 8, lines 59-62 and col. 9, line 41 – col. 10, line 39). While the purpose of this filtering by the packet filter is to provide local information, this filtering is done based upon whether the plurality of received broadcast data packets match a downloadable mask (col. 9, lines 54-56). This packet filter has no knowledge of any type of location information, and thus has no way to provide location information that is received from a client browser as a part of a request for a web page. Thus, it is further urged that Claim 5 has been erroneously rejected under 35 U.S.C. § 102 (e).

Further with respect to Claim 6 (which has merely been amended as to form, to be in independent form), it is urged that the cited reference does not teach the claimed feature of “wherein the first client browser provides the geographic location data string in an HTML form”. In rejecting Claim 6, the Examiner states that Dowling teaches such claimed feature at col. 13, lines 25-40. Applicants urge that there, Dowling states:

“Application data is transmitted as application data packets using an application layer protocol such as HTTP. The application data is preferably downloaded from the network server 125 into the mobile unit 105 and then displayed on the user input-output device 210. Typically, the network application data involves web pages provided in hypertext mark-up language (HTML) but other forms of network application data may be equivalently used. In many cases, the network application data includes a packet-filter

parameter. In some embodiments, to limit airtime, the first step 305 accesses the set of network application data from a memory or other form of storage unit accessible to the mobile unit 105. Control next passes to a second step 310 whereby information related to the network application data is displayed. In a preferred embodiment, the second step 310 involves displaying a web page on a web browser display screen that is a part of the user input-output device 210.”

While this cited passage generally mentions ‘HTML’, the use of HTML that is described is very different from what is recited in Claim 6. Specifically, Claim 6 (in combination with independent Claim 1) recites that the HTML form is used to provide the geographic location data string that is *received from the browser*. In contrast, the HTML as described by Dowling is merely a traditional use of HTML that is used to format data that is *downloaded to* a mobile unit for display to a user. This cited passage does not describe that the HTML is used to provide a geographic data string, either as per the particular features of Claim 6 in combination with Claim 1, or by any other means. Thus, it is further urged that Claim 6 has been erroneously rejected under 35 U.S.C. § 102 (e).

Further with respect to Claim 7 (which has merely been amended as to form, to be in independent form), such claim recites “wherein the set of location-specific page elements are stored at a third party server”. As can be seen, the set of location-specific page elements are stored at a third party server – with this set of location-specific page elements that are stored at a third party server being used in dynamically building the web page that is served to the user. In rejecting Claim 7, the Examiner states that Dowling teaches such third party server storage of the location-specific page elements at Dowling Figure 1, item 120. Applicants respectfully urge that, to the contrary, Dowling’s item 120 is used to maintain a network connection between a mobile unit and an air interface (Dowling col. 6, lines 11-15), and this network connection or virtual session server is not described as being used to store any type of information used to generate content, either as per the particular features of Claim 7 in combination with Claim 1, or by any other means. Thus, it is further urged that Claim 7 has been erroneously rejected under 35 U.S.C. § 102 (e).

Applicants traverse the rejection of Claims 9-13, 15-19 and 21 for similar reasons to those given above with respect to Claim 1.

Therefore, the rejection of Claims 1-7, 9-13, 15-19 and 21 under 35 U.S.C. § 102(e) has been overcome.

II. 35 U.S.C. § 103, Obviousness

Claims 8, 14 and 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Dowling (U.S. Patent No. 6,522,875). This rejection is respectfully traversed.

Applicants traverse the rejection of Claims 8, 14 and 20 for similar reasons to those given above with respect to Claim 1, and urge that the additional Official Notice assertion that is alleged in the rejection of Claims 8, 14 and 20 does not overcome the teaching deficiencies identified above with respect to Claim 1.

Therefore, the rejection of Claims 8, 14 and 20 under 35 U.S.C. § 103 has been overcome.

III. Conclusion

It is respectfully urged that the subject application is patentable over the cited reference and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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